

Notice of Allowability

Application No.

09/805,598

Examiner

Ayal I Sharon

Applicant(s)

NGUYEN ET AL.

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 1/31/2005.
2. ☒ The allowed claim(s) is/are 1-31.
3. ☒ The drawings filed on 12 March 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER

DETAILED ACTION

Introduction

1. Claims 1-31 of U.S. Application 09/805,598 filed on 03/12/2001 are presented for examination. The application claims foreign priority to French application 0011584 filed on 09/12/2000.
2. Duplicate sets of claims 1-9, differing only in font size, were filed on 3/12/2001 and 7/13/2001. Examiner's examination is based on the set filed on 7/13/2001.
3. Applicants added claims 10-31 in a preliminary amendment filed on 09/11/2001.
4. Claims 1, 2, 5-10, 14, 18 and 22 were amended in the amendment filed 1/31/2005.

Claim Interpretations

5. Examiner notes that there is no effect on the scope of the claims resulting from the use, in the claims, of reference characters that correspond to elements recited in the detailed description and the drawings. See MPEP §608.01(m).
6. Examiner interprets the term "couple" according to Merriam Webster's Collegiate Dictionary, 10th Ed. (2001), p.265: "to join for combined effect", and "to fasten together".
7. Examiner interprets that when a "second body" is "coupled" to a "first body", they are "joined for combined effect" and therefore the two are functionally equivalent to the "first body" alone. Likewise, when the "second body" is "coupled" to a

“base”, they are “joined for combined effect” and therefore the two are functionally equivalent to the “base” alone.

Response to Amendment

Re: Amendment to the Abstract

8. Examiner finds that the amendment to the abstract, in view of the content of the specification, does not constitute new matter, and is therefore accepted.

Re: Claim Objections

9. Examiner acknowledges Applicants' amendment to the claims to remove the dots and dashes. The relevant objection has been withdrawn.
10. Examiner finds Applicants' arguments that claims 29-31 are not duplicative of claims 26-28 (see amendment filed 1/31/05, p.14, para.2) to be persuasive. The relevant objection has been withdrawn.

Re: Claim Rejections - 35 USC § 112

11. Applicants have amended the phrase “the floor” to “a” in Claims 5 and 8 in order to overcome the 35 U.S.C. §112, second paragraph rejection based on lack of antecedent basis. However, Examiner believes that the Applicants have made a typographical error, and intended to amend the phrase to “a floor”. This will be corrected in an Examiner's Amendment when the application is allowable. In the meantime, Examiner is withdrawing the relevant 35 U.S.C. §112, second paragraph rejection.

Re: Claim Rejections - 35 USC § 101

12. In the amendment filed 1/31/05 (see p.14, para.4), applicants point to p.18 of the specification, which teaches that "This device 1 can for example be applied to fast XY tables used in microelectronics, to machine tools, conveyors, to robots, etc." Examiner agrees that this is a "real world use" for the claimed invention. Examiner is therefore withdrawing the 35 USC § 101 rejection.

Re: Double Patenting

13. Applicants have filed a Terminal Disclaimer, dated 1/31/2005, in order to overcome the Double Patenting rejections in view of U.S. Patent 6,438,461. Examiner is therefore withdrawing the Double Patenting Rejections.

Re: Claim Rejections - 35 USC § 102

14. In the amendment filed 1/31/05, Applicants have amended the specification to claim priority to U.S. Patent 6,438,461. Examiner is therefore withdrawing the 35 U.S.C. §102 rejections.

EXAMINER'S AMENDMENT

15. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as

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provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

16. Authorization for this examiner's amendment was given in a telephone interview with Applicants' Representative Mr. Ben York, Reg. No. 33,609 on 03/14/2005.

17. The application has been amended as follows:

18. Amend Claim 5, line 2 from:

----- elastically with respect to a (S) -----

to

----- elastically with respect to a floor (S) -----

19. Amend Claim 8, line 2 from:

----- elastically with respect to a (S) -----

to

----- elastically with respect to a floor (S) -----

EXAMINER'S NOTICE OF REASONS FOR ALLOWANCE

20. The following is an examiner's statement of reasons for allowance: the closest relevant prior art, U.S. Patent 6,438,461, has been withdrawn from consideration due (1) the submission of a Terminal Disclaimer to that issued patent, and (1) due to the amended priority claim to that issued patent.

21. As per MPEP §2173.05(s) and MPEP §608.01(m), the reference characters in the claims are interpreted as corresponding to the reference characters in the drawings and specification:

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Reference characters corresponding to elements recited in the detailed description and the drawings may be used in conjunction with the recitation of the same element or group of elements in the claims. [§2173.05(s)]

22. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ayal I. Sharon whose telephone number is (571) 272-3714. The examiner can normally be reached on Monday through Thursday, and the first Friday of a biweek, 8:30 am – 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Teska can be reached at (571) 272-3716.

Any response to this office action should be faxed to (703) 872-9306, or mailed to:

USPTO
P.O. Box 1450
Alexandria, VA 22313-1450

or hand carried to:

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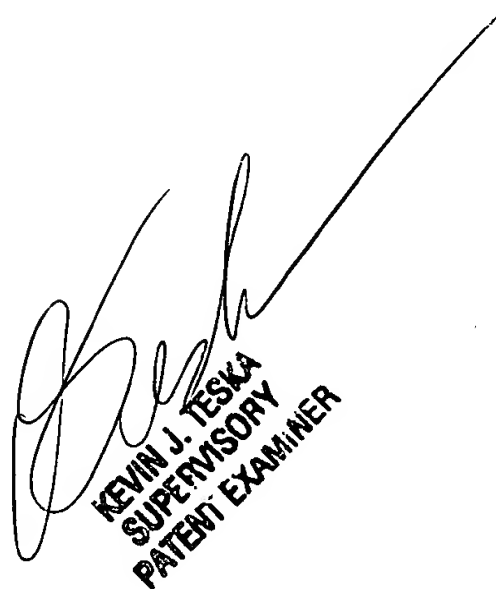
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2100 Receptionist, whose telephone number is (571) 272-2100.

Ayal I. Sharon

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March 14, 2005



KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER